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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,465	09/21/2001	Ty Bordner	72167.000594	2588

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EXAMINER

PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
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2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/957,465

Applicant(s)

BORDNER ET AL.

Examiner

Kavita Padmanabhan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/28/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1-17 are pending.
2. Claims 1-17 have been amended.
3. Claims 1-17 are rejected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1–3, 5–7, 9–11, and 13–15** are rejected under 35 U.S.C. 102(b) as being anticipated by **Bohm et al.** (US 5,404,507, hereafter “Bohm”).

In regards to **claim 1**, Bohm teaches a method for comparing a query against data contained within a database comprising the steps of:

- (a) receiving said query (**col. 6, lines 27-29**);
- (b) extracting a plurality of attributes from said query (**col. 6, lines 27-33, where a target word is interpreted to be an “attribute”**);
- (c) converting said plurality of attributes from said query, using at least one linguistic pattern matching analytical tool (**col. 4, lines 30-37, abbreviations; col. 5, lines 19-20, trigrams**), into a plurality of linguistic pattern strings (**Fig. 3, ref characters 303**

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- and 304; col. 3, lines 48-53, 57-60; col. 5, lines 60-65; col. 6, lines 27-33, 39-42, 49-52, where the search expression is interpreted to be a “linguistic pattern string”);**
- (d) comparing said plurality of linguistic pattern strings with at least one stored linguistic pattern string from at least one stored attribute contained within said database for providing a set of matches (**col. 3, lines 61 – col. 4, line 8; col. 5, lines 9-11; col. 6, lines 27-52, 65-68; col. 7, lines 29-34**);
- (e) analyzing each match of said set of matches, using said at least one linguistic pattern matching analytical tool, to provide at least one set of matched attributes (**col. 7, lines 8-11, 15-28, 36-39**);
- (f) combining all of said at least one set of matched attributes to provide a combined result (**col. 6, lines 66-68; col. 7, lines 8-28**); and
- (g) wherein at least one of the actions of receiving, extracting, converting, comparing, analyzing, and combining is implemented using at least one data processing system (**Bohm; Fig. 1**).

In regards to **claim 2**, Bohm teaches the method of claim 1, further including the step of filtering said combined result according to pre-selected criteria (**col. 2, lines 5-8; col. 8, lines 11-19, 30**).

In regards to **claim 3**, Bohm teaches the method of claim 2, further including the step of filtering said combined result according to matching a selected attribute (**col. 2, lines 5-8; col. 7, lines 15-28, 58-59; col. 8, lines 11-19, 30**).

Claims 5–7 are rejected with the same rationale as given for claims 1 - 3. In this case, the preamble is not necessary to “breathe life” into the claim. Rather, the limitations are able to stand alone.

Claims 9–11 are rejected with the same rationale as given for claims 1 - 3, and **Fig. 1 and col. 2, line 47 – col. 3, line 28**.

Claims 13–15 are rejected with the same rationale as given for claims 1 - 3.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. **Claims 4, 8, 12, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohm** in view of **Wheeler et al.** (US 6,618,727, hereafter “Wheeler”) and **Lambert** (US 6,529,892).

In regards to **claim 4**,

“The method of claim 1, further comprising the step of employing a Metaphone based analysis, a Phonex based analysis, a Soundex based analysis, an N-gram based analysis, an edit-distance based analysis and a dictionaries based analysis,”

Bohm teaches all of the limitations of claim 1 (see **102(b) rejection of claim 1**), and also teaches an N-gram based analysis (**Bohm, col. 5, lines 41-50**), an edit-distance based analysis (**Bohm, col. 6, lines 7-14**), and a dictionaries based analysis (**Bohm, col. 3, line 57 – col. 4, line 14, where “dictionary” is defined by The American Heritage College Dictionary, Fourth Edition, as “A list of words stored in machine-readable form for reference, as by spelling-checking software.”**). **Bohm** does not expressly teach a Metaphone based analysis, a Phonex based analysis, and a Soundex based analysis. **Wheeler** teaches a Metaphone based analysis and a Soundex based analysis (**Wheeler, col. 11, lines 30-38**). **Lambert** teaches a Phonex based analysis (**Lambert, col. 24, line 42 – col. 25, line 11**). It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to apply the metaphone and soundex based analyses disclosed in **Wheeler** and the phonix based analysis disclosed in **Lambert** with the search method of **Bohm** to gain the advantage of improved search intelligence.

Claim 8 is rejected with the same rationale as given for claim 4. In this case, the preamble is not necessary to “breathe life” into the claim. Rather, the limitations are able to stand alone.

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Claim 12 is rejected with the same rationale as given for claim 4, and **Fig. 1 and col. 2, line 47 – col. 3, line 28**.

Claims 16 and 17 are rejected with the same rationale as given for claim 4.

Response to Amendment

9. Applicant's amendments filed 3/20/06 with respect to the objections to the specification have been fully considered. The corresponding objections have been withdrawn accordingly.

10. Applicant's amendments filed 3/20/06 with respect to the objections to the claims have been fully considered. The corresponding objections have been withdrawn accordingly.

11. Applicant's amendments filed 3/20/06 with respect to the 35 U.S.C. 101 rejections have been fully considered. The corresponding rejections have been withdrawn.

Response to Arguments

12. Applicant's arguments filed 3/20/06 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues at page 11 of applicant's remarks that while step (e) of claim 1 uses the matches to provide at least one set of matched attributes, Bohm uses its matches to either generate a request of the item of to exit the program, and therefore allegedly does not provide at least one set of matched attributes. The examiner respectfully disagrees with the applicant's argument and asserts that Bohm does indeed teach step (e) of claim 1. The examiner asserts that

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Bohm teaches providing at least one set of matched attributes as the result of query execution (Bohm; col. 7, lines 15-28, 58-59).

Applicant argues at page 11 of applicant's remarks that Bohm does not teach step (f) of claim 1. The examiner respectfully disagrees. The examiner first notes that step (f) recites, in part, "combining all of said at least one set of matched attributes." The examiner further asserts that Bohm does indeed teach combining all of said at least one set of matched attributes and reporting the results (Bohm; col. 7, lines 8-28). Since a number of queries may be executed, the results of the queries are combined to provide a result (Bohm; col. 6, lines 66-68; col. 7, lines 8-28). In response to applicant's argument that the same citations of Bohm cannot be used for more than 1 step, the examiner respectfully disagrees and asserts that a reference may be relied upon for all that it teaches. Moreover, the sections cited by the examiner (Bohm; col. 7, lines 8-28) teach more than one action and meet the limitations of the claim, as recited. The examiner further asserts that Bohm teaches the chronological sequence required by the language of claim 1, in that queries are executed, matches are analyzed to provide a set of matched attributes, and the at least one set of matched attributes is combined to provide a combined result of the executed queries (Bohm; col. 7, lines 8-28).

With respect to claim 5, applicant argues at page 14 of applicant's remarks that Bohm does not teach receiving a query about a party or that the database contains a plurality of restricted parties information. The examiner disagrees with the applicant argument and asserts that Bohm teaches queries about authors (Bohm; col. 3, line 61 – col. 4, line 2) and queries involving AT&T (Bohm; col. 4, lines 56-57), for example, which both constitute parties in at least a broad sense. Bohm also teaches a database that contains restricted parties information, wherein the author

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search expression database is restricted to information pertaining to author names, for example (Bohm; col. 4, lines 1-4). Furthermore, the examiner asserts that the term party has not been explicitly defined in the applicant's specification, and is therefore being given its broadest reasonable interpretation.

With respect to claim 4, applicant argues at page 16 of applicant's remarks that the cited combination does not teach the step of a dictionaries based analysis. The examiner respectfully disagrees and asserts that the term "dictionaries based analysis" is not explicitly defined by the applicant's specification, and is therefore being given its broadest reasonable interpretation.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is not only found in the knowledge generally available to one of ordinary skill in the art, but also in the teaching of Bohm (Bohm; col. 1, lines 50-55; col. 1, line 65 – col. 2, line 2).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Assistant Examiner

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KL.

December 19, 2006

Etienne P. Lehou
primary examiner